

Exhibit H

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
MONROE DIVISION**

THE STATE OF LOUISIANA,
By and through its Attorney General, JEFF
LANDRY;

THE STATE OF MONTANA,
By and through its Attorney General, AUSTIN
KNUDSEN;

THE STATE OF ARIZONA, By and through
its Attorney General, MARK BRNOVICH;

THE STATE OF UTAH, By and through its
Attorney General, SEAN D. REYES; et al.,

DECLARATION OF ALLISON SPANGLER

CIVIL ACTION NO. _____

PLAINTIFFS,

v.

XAVIER BECERRA, in his official capacity as
Secretary of the U.S. Department of Health and
Human Services;

THE U.S. DEPARTMENT OF HEALTH
AND HUMAN SERVICES;

CHIQUITA BROOKS-LASURE, in her official
capacity of Administrator of the Centers for
Medicare and Medicaid Services;

CENTERS FOR MEDICARE AND
MEDICAID SERVICES;

DEFENDANTS.

1. I am over the age of 18 and have personal knowledge of the facts set forth in this Declaration.

2. I am the President & CEO of the Utah Healthcare Association (UHCA).

3. Utah Healthcare Association's members include skilled nursing facilities, nursing facilities, intermediate care facilities for the intellectually disabled and assisted living facilities. UHCA has 137 long-term care facility members.

4. In September 2021, we conducted a survey of our members related to staffing challenges. As part of the survey, we asked questions regarding their overall workforce challenges and if their workforce situation was better or worse than 2020. We also asked members if in the past two months they had experienced a shortage of staff to fill a shift, stopped admissions, a need to bring in temporary staff through an agency, or a need to ask staff to work overtime or take extra shifts. Additionally, we asked what facilities are doing to combat the workforce shortage, if they feel COVID-19 has attributed to the shortage, and if they are experiencing loss of revenue due to lower admissions or having to stop admissions due to the workforce shortages.

5. 114 of our facility members responded to the survey.

6. The results of the survey showed that 91% of the facilities that responded said that their workforce situation has grown much worse since 2020. 100% of facilities have asked staff to work overtime or take extra shifts, 89% do not have sufficient staff to fill shifts, and 59% have asked an agency to fill shifts. In addition, 97% of the long-term care facilities that responded reported a shortage of staff members to fill a shift. 70% of respondents said that they are operating at or near a loss and that the costs to fight the pandemic have left a majority of long-term care facilities struggling. 87% said they felt directly or indirectly the reason related to staff losses was due to COVID-19. When asked about their current staffing situation, 94% ranked it concerning to crisis, 32% concerning, beginning to have numerous open shifts, 35% disconcerting, few applicants and

need staff, and 26% crisis, numerous open shifts and few qualified applicants or no applicants. 63% said they are reducing/stopping admissions.

7. We created an infographic reflecting the results that is attached to this Declaration at Exhibit 1.

DECLARATION UNDER PENALTY OF PERJURY

Pursuant to 28 U.S.C. §1746, I declare under penalty of perjury that the above statements are true and based upon my personal knowledge.

DATED: November 15, 2021.

/s/ Allison Spangler

ALLISON SPANGLER

(Signed copy of document bearing signature of Allison Spangler is being maintained in the office of the Filing Attorney)



UTAH HEALTH CARE
ASSOCIATION

WORKFORCE SHORTAGE CRISIS & THE IMPACT OF COVID-19 IN LONG TERM CARE FACILITIES



91% OF UTAH LONG TERM CARE FACILITIES

say their workforce situation has grown **MUCH WORSE** since 2020.



IN THE PAST 60 DAYS

100% have asked staff to work overtime or take extra shifts
89% do not have sufficient staff to fill shifts
59% have turned to agency staff to fill shifts
10 shifts a week (average) are unable to be filled by staff or agency

97% OF UTAH LONG TERM CARE FACILITIES

are reporting a shortage of staff members to fill a shift. All facilities are asking staff to work overtime or take extra shifts.



UHCA MEMBERS HAVE INDICATED THE FOLLOWING POSITIONS THAT ARE VACANT OR ARE RECRUITING TO FILL:

98% CNA or direct caregiver
75% LPN
81% RN
73% Dietary Staff
65% Housekeeping
28% Other support staff
12% Rehab Staff
27% Activities
11% Social Workers
8% Director of Nursing
6% Infection Preventionist



UHCA MEMBERS ARE TRYING TO ADDRESS THESE WORKFORCE CHALLENGES BY:

96% are giving Pay Increases/Bonuses
 63% are Reducing/Stopping Admissions
 91% are Hiring New/Contract/ Agency Staff

WHEN ASKED ABOUT THEIR CURRENT STAFFING SITUATION, LONG TERM CARE RESPONDED:

94% ranked it "concerning to crisis"
32% concerning, beginning to have numerous open shifts
35% disconcerting, few applicants and we need more staff
26% CRISIS, numerous open shifts and few qualified applicants or no applicants



WHEN ASKED TO RANK STEPS TO HELP IMPROVE RECRUITMENT AND STAFF RETENTION:

90% of members cited higher reimbursement as the **BEST** way to retain staff. The others ranked as follows:

#1 Higher reimbursement
#2 Less regulations and/or paperwork
#3 Improved perception of working in the profession
#4 Continuation of the temporary nurse aid program
#5 More training programs at local schools and higher institutions
#6 Improving the workplace culture/environment
#7 Career ladder programs



70% OPERATING AT OR NEAR A LOSS

The costs to fight the pandemic have left a majority of long-term care facilities struggling.



87%



Felt directly or indirectly the reason related to staff losses was due to COVID-19

IN 2020, THE PRIMARY REASONS STAFF LEFT THEIR JOBS WERE:

#1 Quit
#2 Burnout/stress of job
#3 Combination of reasons
#4 Retirement
#5 Employee Illness/Death